

Remarks/Arguments:

Ex parte prosecution of this application was suspended in Paper No. 12, issued August 27, 1997. The April 21, 2006 Office Communication continued suspension of the application for another six months and requested applicants to provide the Office with any documents relevant to the status of the application upon termination of court proceedings.

On March 31, 2006, the U.S. District Court for the District of Columbia issued a Memorandum Opinion and a Final Judgment in applicants' appeal from the decision of the Board of Patent Appeals and Interferences ("Board") in Interference No. 104,192. Copies of the Memorandum Opinion and Final Judgment in Scimed Life Systems, Inc. v. Medtronic Vascular, Inc., Civil Case No. 01-2015 (RJL) are enclosed.

On May 1, 2006, Scimed Life Systems, Inc. filed a Notice of Appeal, a copy of which is also enclosed, without its Exhibits which comprise the aforesaid Final Judgment and the Final Decision and Judgment of the Board.

Accordingly, although the District Court appeal has been terminated, the appeal from the decision in Interference No. 104,192 is now proceeding in the U.S. Court of Appeals for the Federal Circuit.

For the foregoing reasons, applicants believe that suspension of this application should be continued. Accordingly, the notice of suspension issued on April 21, 2006 should remain in effect.

Respectfully submitted,



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Encls.: (1) Memorandum Opinion of U.S. District Court
(2) Final Judgment of U.S. District Court
(3) Notice of Appeal, without its exhibits

Dated: June 8, 2006

Appln. No.: 08/461,402
Response Dated June 8, 2006
Reply to Office Communication of April 21, 2006

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The Director is hereby authorized to charge or credit Deposit Account No. **18-0350** for any additional fees, or any underpayment or credit for overpayment in connection herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

June 8, 2006

Joshua L. Cole